THE NILE WATERS AGREEMENT

Note from the Prime Minister of Egypt to the British High Commissioner, May 7, 1929.

1. In confirmation of our recent conversations, I have the honour to communicate to your Excellency the views of the Egyptian Government in regard to those irrigation questions which have been the subject of our discussions. The Egyptian Government agree that a settlement of these questions cannot be deferred until such time as it may be possible for the two Governments to come to an agreement on the status of the Sudan, but in concluding the present arrangements expressly reserve their full liberty on the occasion of any negotiations which may precede such an agreement.

2. It is realised that the development of the Sudan requires a quantity of the Nile water greater than that which has been so far utilised by the Sudan. As your Excellency is aware, the Egyptian Government has always been anxious to encourage such development, and will, therefore, continue that policy and be willing to agree with His Majesty's Government upon such an increase of this quantity as does not infringe Egypt's natural and historical rights in the waters of the Nile and its requirements of agricultural extension, subject to satisfactory assurances as to the safeguarding of Egyptian interests as detailed in later paragraphs of this Note.

3. The Egyptian Government, therefore, accept the findings of the 1925 Nile Commission, whose Report is annexed hereto and is considered an integral part of the present Agreement. They propose, however, that, in view of the delay in the construction of the Gebel Aulia Dam, which, under paragraph 40 of the Nile Commission's Report, is regarded as a counterpart of the Gezira scheme, the dates and quantities of gradual withdrawals of water from the Nile by the Sudan in flood months, as given in Article 57 of the Commissions Report, be modified in such a manner that the Sudan should not withdraw more than 126 cubic metres per second before 1936, it being understood that the schedule contained in the above-mentioned Article will remain unaltered until the discharge of 126 cubic metres per second is reached. These quantities are based on the Nile Commission's Report, and are, therefore, subject to revision as foreseen therein.

4. It is further understood that the following arrangements will be observed in respect of irrigation works on the Nile:

(i) The

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(i) The Inspector-General of the Egyptian Irrigation Service in the Sudan, his staff, or any other officials whom the Minister of Public Works may nominate, shall have full liberty to cooperate with the resident engineer of the Sennar Dam in the measurement of discharges and records to satisfy the Egyptian Government that the distribution of water and the regulation of the dam are carried out in accordance with the agreement reached. Detailed working arrangements agreed upon between the Minister of Public Works and the Irrigation Adviser to the Sudan Government will take effect as from the date of the confirmation of this Note.

(ii) Save with the previous agreement of the Egyptian Government no irrigation or power works or measures are to be constructed or taken on the river Nile and its branches or on lakes from which it flows so far as all these are in the Sudan or in the countries under British administration which would, in such a manner as to entail any prejudice to the interests of Egypt, either reduce the quantity of water arriving in Egypt or modify the date of its arrival or lower its level.

(iii) The Egyptian Government in carrying out all the necessary measures required for the complete study and record of the hydrology of the River Nile in the Sudan will have all the necessary facilities for so doing.

(iv) In case the Egyptian Government decide to construct in the Sudan any works on the river and its branches, or to take any measures with a view to increasing the water-supply for the benefit of Egypt, they will agree beforehand with the local authorities on the measures to be taken for safeguarding local interests. The construction, maintenance, and administration of the above-mentioned works shall be under the direct control of the Egyptian Government.

(v) His

(v) His Britannic Majesty's Government in the United Kingdom of Great Britain and Northern Ireland shall use their good offices so that the carrying out of surveys, measurements, studies, and works of the nature mentioned in the two preceding paragraphs is facilitated by the Governments of those regions under British influence.

(vi) It is recognized that in the course of the operations here contemplated uncertainty may still arise from time to time either as to the correct interpretation of a question of principle or as to technical or administrative details. Every question of this kind will be approached in a spirit of mutual good faith.

In case of any difference of opinion arising as to the interpretation or execution of any of the preceding provisions, or as to any contravention thereof, which the two Governments find themselves unable to settle, the matter shall be referred to an independent body with a view to arbitration.

5. The present agreement can in no way be considered as affecting the control of the river, which is reserved for free discussion between the two Governments in the negotiations on the question of the Sudan.

2. Lord Lloyd replied on the same day:

In confirming the arrangements mutually agreed upon as recited in your Excellency's Note I am to express the gratification of His Britannic Majesty's Government in the United Kingdom of Great Britain and Northern Ireland that those discussions have led to a settlement which cannot fail to facilitate development or to promote prosperity in Egypt and the Sudan.

His Majesty's Government in the United Kingdom concur in your Excellency's view that this Agreement is and should be essentially directed towards the regulation of irrigation arrangements on the basis of the Nile Commission's Report and has no bearing on the status quo in the Sudan.

In conclusion, I would remind your Excellency that H. Majesty's Government in the United Kingdom have already acknowledged

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the natural and historical rights of Egypt in the waters of the Nile. I am to state that His Majesty's Government regard the safeguarding of those rights as a fundamental principle of British policy and to convey to your Excellency the most positive assurances that this principle and the detailed provisions of this Agreement will be observed at all times and under any conditions that may arise.